

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
TERRE HAUTE DIVISION**

BRIAN McGHEE

Petitioner,

v.

RICHARD BROWN,

Respondent.

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Case No. 2:14-cv-167-JMS-DKL

**ENTRY**

The petitioner's motion for production of documents has been considered. [Filing No. 17.]

Rule 6(a) of the *Rules Governing ' 2254 Cases*, 28 U.S.C. ' 2254, allows habeas corpus petitioners to conduct civil discovery "if, and to the extent that, the judge in the exercise of his discretion and for good cause shown grants leave to do so, but not otherwise." *See Bracy v. Bramley*, 520 U.S. 899, 904 (1997) ("A habeas petitioner, unlike the usual civil litigant in federal court, is not entitled to discovery as a matter of ordinary course"). In order to be entitled to discovery, a petitioner must make specific factual allegations that demonstrate that there is good reason to believe that the petitioner may, through discovery, be able to garner sufficient evidence to entitle him to relief. *See id.* at 908-09.

The petitioner's September 12, 2014 motion for production of documents, [Filing No. 17], seeks the production of "all documents obtained from the records department of the Indiana Court of Appeals...allowing for the equality in the presentation of the cause before this Honorable Court." The respondent filed a return to order to show cause on September 19, 2014. The Court gave the petitioner through October 5, 2014, to notify the Court why his motion for the production of documents should not be denied as unnecessary in light of the respondent's recent filing of his

return to order to show cause. The petitioner has taken no further steps. Under these circumstances, the petitioner's motion for production of documents, [Filing No. 17], is **denied as unnecessary**.

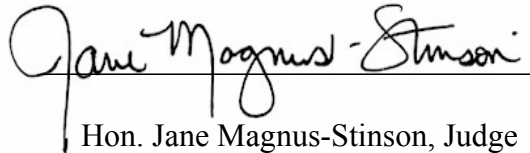
**IT IS SO ORDERED.**

Date: 10/15/2014

Distribution:

Brian McGhee  
No. 164603  
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Electronic Service Participant-Court Only

Electronically Registered Counsel

A handwritten signature in black ink, reading "Jane Magnus-Stinson", written over a horizontal line.

Hon. Jane Magnus-Stinson, Judge  
United States District Court  
Southern District of Indiana